

# the Charleston Gazette

*The State Newspaper*

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US EPA Region 5  
77 W. Jackson Blvd.  
Chicago, IL 60604

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EPA Region 5 FOIA officer:

Please consider this a request made under the federal Freedom of Information Act, 5 U.S.C. 552.

Please provide me with copies of the following:

A copy of the letter EPA sent to Heritage Thermal Services in March outlining violations at the company's hazardous waste incinerator in East Liverpool, Ohio. Please also provide copies of any responses from EPA, and of any inspection reports that were prepared during any inspections of that facility in the last 3 years. Also provide copies of any citations or enforcement orders that have been issued to this operation in the last 5 years.

Please waive any copying and search fees associated with this request, as provided in 40 C.F.R. 1601.32. The information that I have requested concerns the operations or activities of government, and the disclosure of this information is likely to contribute to public understanding of government activities in a significant manner. The public's interest in the publication of stories based on this information exceeds any commercial interest of mine in obtaining the records.

If you choose not to waive these fees, and the cost will exceed \$50, please contact me before you proceed. Also, if you choose to withhold any documents that are responsive to my request, please provide me with an index that describes these records with reasonable specificity, and which cited the specific reasons for each document being withheld. *See Vaughn v. Rosen, 523 F. 2d 1136 (D.C. Cir. 1975).*

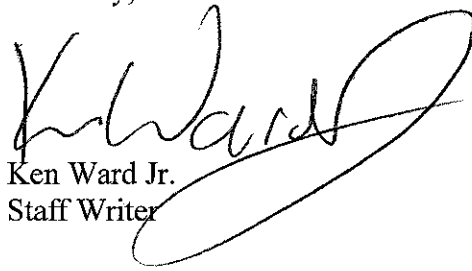
Please expedite the processing of my request under 5 U.S.C. 552(a)(6)(E)(V)(II), which requires you to expedite requests "made by a person primarily engaged in disseminating information, urgently to inform the public concerning actual or alleged Federal Government activity." The information I am requesting concerns ongoing violations of air quality and other environmental rules that impact public health. There is an urgent need to better inform the public about the nature of these ongoing violations and what, if any, actions EPA is taking in response to the violations.

As you should know, you are required by the statute to determine whether you will expedite the processing of my request and notify me of this determination with 10 days. See 5 U.S.C. 552(a)(6)(E)(ii)(I).

In any event, as you know, you are required by federal law to, within 20 days, "determine ... whether to comply with" my request and then "immediately notify" me of this determination. I look forward to your prompt response, within the time limit required by law.

Should you have any questions about this request, please contact me at (304) 348-1702. I look forward to a prompt response, within 10 days, concerning the request for expedited processing, and to a notification within 20 days of your determination on releasing the records I have requested.

Sincerely,

A handwritten signature in black ink, appearing to read "Ken Ward Jr.", with a large, sweeping flourish extending from the bottom of the signature.

Ken Ward Jr.  
Staff Writer